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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,943	05/31/2000	Michael Wayne Brown	AUS000047US1	4372

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Andrew J Dillon
Felsman Bradley Vaden Gunter & Dillon LLP
Suite 350 Lakewood on the Park
7600B North Capital of Texas Highway
Austin, TX 78731

EXAMINER

PASS, NATALIE

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 12/23/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,943

Applicant(s)

BROWN ET AL.

Examiner

Natalie A. Pass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at www.uspto.gov or call the Office of Patent Legal Administration at (703) 305-1622.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 31 May 2000. Claims 1-68 are pending.

Specification

2. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 10-12, 14-17, 23-25, 27-30, 36-38, 40-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond et al, U.S. Patent Number 5, 778, 882 in view of Trudeau et al, U.S. Patent Number 5, 980, 447.

(A) As per claim 1, Raymond teaches a method, a system, and a program for prioritizing actions in order to balance the comprehensive health of a user, said method comprising the steps of:

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monitoring current health parameters for a particular user at a personal health monitoring system, wherein said current health parameters includes a plurality of monitored physical parameters and a plurality of monitored environmental parameters (Raymond; see at least Figures 17, 18, 19, 19A, column 1, lines 42-67, column 2, lines 46-52);

Raymond fails to explicitly disclose

receiving a plurality of actions for selection by said particular user at said personal health monitoring system; and

prioritizing or ranking said plurality of actions according to said current health parameters and designated allowances for said particular user at said personal health monitoring system, such that said personal health monitoring system, aids said particular user in selecting from among said plurality of actions in order to balance the comprehensive health of said particular user.

Trudeau teaches receiving a plurality of actions for selection by said particular user at said personal health monitoring system (Trudeau; column 5, lines 16-21, column 9, lines 20-41); and

prioritizing or ranking said plurality of actions according to said current health parameters and designated allowances for said particular user at said personal health monitoring system, such that said personal health monitoring system, aids said particular user in selecting from among said plurality of actions in order to balance the comprehensive health of said particular user (Trudeau; column 5, lines 21-26, column 10, line 50-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method, system, and program for prioritizing actions in order to balance

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the comprehensive health of a user of Raymond to include receiving a plurality of actions for selection by said particular user at said personal health monitoring system; and prioritizing or ranking said plurality of actions according to said current health parameters and designated allowances for said particular user at said personal health monitoring system, such that said personal health monitoring system, aids said particular user in selecting from among said plurality of actions in order to balance the comprehensive health of said particular user, as taught by Trudeau, with the motivation of ranking in frequency and duration of use, as well as timing and scheduling, the mastering of personal health or recovery tools as well as the tracking and recording of a subject's progress in achieving balanced personal health or recovery, of establishing obtainable goals and during that process, providing both quantitatively and qualitatively measurable progress, and of generating a change environment for balanced personal health or recovery by including interaction between the user and the process utilizing user defined profiles through test results and the incorporation of options and selections into the system (Trudeau; column 4, lines 26-44).

(B) As per claims 2-4, 15-17, 28-30, Raymond and Trudeau teach a method, a system and a program discussed in claims 1, 14, 27, said step, system, and means of monitoring current health parameters for a particular user at said personal health monitoring system further comprising the step, system, and means of monitoring medication intake (Raymond; Figure 19, column 3, lines 47-57, column 5, lines 30-43, column 25, line 62 to column 26, line 11) and food and liquid intake (Raymond; column 5, lines 38-43) by said particular user and monitoring

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environmental exposure of said particular user (Raymond; column 5, lines 38-43, column 6, lines 33-46, column 8, lines 25-29).

(C) As per claims 10-11, 23-24, 36-37, Raymond and Trudeau teach a method, a system and a program discussed in claims 1, 14, 27, said step, system, and means of prioritizing said plurality of actions according to said current health parameters and designated allowances for said particular user at said personal health monitoring system, further comprising the steps, system, and means of determining a priority level at which sufficient allowances are available for each of said plurality of actions in view of said designated allowances, wherein said designated allowances includes at least one type of allowance from among time allowances, financial allowances, and health allowances (Trudeau; column 5, lines 13-55, column 6, lines 55-64, column 11, lines 47-63, column 12, lines 4-46), and determining whether each of said plurality of selectable actions are allowed according to a plurality of conditional requirements for allowance of said plurality of selectable actions (Trudeau; column 5, lines 4-60, column 6, lines 55-64, column 11, lines 34-63, column 12, lines 7-44).

(D) As per claims 12, 25, and 38, Raymond and Trudeau teach a method, a system and a program discussed in claims 1, 14, 27, said method, system and program further comprising the steps, system, and means of transmitting said plurality of actions, said health profile and said designated allowances to an alternate decision making system and receiving a prioritization of said plurality of actions from said alternate decision making system at said

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personal health monitoring system (Trudeau; column 5, lines 13-55, column 6, lines 55-64, column 11, lines 47-63, column 12, line 4 to column 13, line 21).

(E) Claim 14 differs from method claim 1, in that it is a system rather than a method for prioritizing actions in order to balance the comprehensive health of a user.

System claims 14 repeats the subject matter of claim 1, respectively, as a set of “means-plus-function” elements rather than a series of steps. As the underlying processes of claim 1 have been shown to be fully disclosed by the collective teachings of Raymond and Trudeau in the above rejection of claim 1, it is readily apparent that the system disclosed collectively by Raymond and Trudeau includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 1, and incorporated herein.

(F) Claim 27 differs from method claim 1 by reciting a “computer readable medium having computer readable program code means...” in the preamble. As per this limitation, Raymond clearly discloses his invention to be implemented on a “computer readable medium having computer readable program code means (Raymond; col. 2, line 60 to column 3, line 35). The remainder of claim 27 repeats the limitations of claim 1, and is therefore rejected for the same reasons given above for claim 1.

The motivations for combining the respective teachings of Raymond and Trudeau are as given in the rejection of claim 1 above, and incorporated herein.

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(G) Claim 40 differs from claims 1, 14, and 27 in that it is a method for scheduling tasks in order to balance the comprehensive health of a user, rather than a method, system or program for prioritizing actions in order to balance the comprehensive health of a user.

As per claim 40 Raymond teaches a method for scheduling tasks in order to balance the comprehensive health of a user, said method comprising the steps of:

monitoring current health parameters for a particular user at a personal health monitoring system, wherein said current health parameters includes a plurality of monitored physical parameters and a plurality of monitored environmental parameters (Raymond; see at least Figures 17, 18, 19, 19A, column 1, lines 42-67, column 2, lines 46-52);

Raymond fails to explicitly disclose

receiving a plurality of tasks for said particular user for scheduling at said personal health monitoring system; and

selecting suitable times for scheduling said plurality of tasks in view of said current health parameters and designated allowances for said particular user at said personal health monitoring system, such that said personal health monitoring system aids said particular user in scheduling tasks in order to balance the comprehensive health of said particular user.

Trudeau teaches receiving a plurality of tasks for said particular user for scheduling at said personal health monitoring system; (Trudeau; column 5, lines 16-21, column 9, lines 20-41); and

selecting suitable times for scheduling said plurality of tasks in view of said current health parameters and designated allowances for said particular user at said personal health monitoring system, such that said personal health monitoring system aids said particular user in

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scheduling tasks in order to balance the comprehensive health of said particular user (Trudeau; column 5, lines 21-26, column 10, line 50-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method, system, and program for prioritizing actions in order to balance the comprehensive health of a user of Raymond to include receiving a plurality of tasks for said particular user for scheduling at said personal health monitoring system; and selecting suitable times for scheduling said plurality of tasks in view of said current health parameters and designated allowances for said particular user at said personal health monitoring system, such that said personal health monitoring system aids said particular user in scheduling tasks in order to balance the comprehensive health of said particular user, as taught by Trudeau, with the motivation of ranking in frequency and duration of use, as well as timing and scheduling, the mastering of personal health or recovery tools as well as the tracking and recording of a subject's progress in achieving balanced personal health or recovery, of establishing obtainable goals and during that process, providing both quantitatively and qualitatively measurable progress, and of generating a change environment for balanced personal health or recovery by including interaction between the user and the process utilizing user defined profiles through test results and the incorporation of options and selections into the system (Trudeau; column 4, lines 26-44).

(H) As per claims 41, 50, 59, Raymond and Trudeau teach a method, a system, and a program as discussed in claims 40, 49, and 58, further comprising receiving said plurality of tasks with a priority assigned to each of said plurality of tasks (Trudeau; column 5, lines 16-21, column 9, lines 20-41); and

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selecting suitable times for scheduling said plurality of tasks according to said priority assigned to each of said plurality of tasks and a priority assigned to each task already scheduled (Trudeau; column 5, lines 21-26, column 10, line 50-61).

(I) As per claims 42-44, 51-53, and 60-62, Raymond and Trudeau teach a method, a system, and a program as discussed in claims 40, 49, and 58, further comprising receiving said plurality of tasks for said particular user from an alternate decision making system (Trudeau; column 5, lines 13-55, column 6, lines 55-64, column 11, lines 47-63, column 12, line 4 to column 13, line 21), and internally determining said plurality of tasks for said particular user at said personal health monitoring system according to said current health parameters and said designated allowances (Trudeau, column 5, lines 28-42) and receiving said plurality of tasks from said particular user via an input interface coupled to said personal health monitoring system (Trudeau, column 5, lines 43-60, column 7, lines 13-30).

(J) As per claims 45, 54, and 63, Raymond and Trudeau teach a method, a system, and a program as discussed in claims 40, 49, and 58, further comprising the steps of:

determining whether a particular task from among said plurality of tasks is schedulable (Trudeau; column 12, line 55 to column 13, line 14, column 13, lines 30-48); and

prompting said particular user to determine whether or not to schedule said particular task, in response to determining that said particular task is not schedulable (Trudeau; column 13, line 49 to column 14, line 9).

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(K) As per claims 46-48, 55-57, and 64-66, Raymond and Trudeau teach a method, a system, and a program as discussed in claims 40, 49, and 58, further comprising the steps of:

determining whether each of said plurality of tasks is allowable according to designated conditional time requirements at said personal health monitoring system (Trudeau; column 12, line 55- to column 13, lines 14, column 13, lines 30-48), and scheduling tasks in an electronic schedule according to time allowances designated by said particular user (Trudeau; column 12, line 55 to column 13, line 14, column 13, line 30 to column 14, line 9), and indicating whether a scheduled task requires verification of performance (Trudeau; column 14, lines 6-7).

(L) System claim 49 repeats the subject matter of claim 1, respectively, as a set of “means-plus-function” elements rather than a series of steps. As the underlying processes of claim 1 have been shown to be fully disclosed by the collective teachings of Raymond and Trudeau in the above rejections of claim 1, it is readily apparent that the system disclosed collectively by Raymond and Trudeau includes the apparatus to perform these functions. As such, these limitations are rejected of the same reasons given above for method claim 1, and incorporated herein.

(M) Claim 58 differs from method claim 1 by reciting “a program ...[...] residing on a computer readable medium having computer readable program code means...” in the preamble. As per this limitation, Raymond clearly discloses his invention to be implemented on a “computer readable medium having computer readable program code means (Raymond; col. 2,

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line 60 to column 3, line 35). The remainder of claim 27 repeats the limitations of claim 1, and is therefore rejected for the same reasons given above for claim 1.

The motivations for combining the respective teachings of Raymond and Trudeau are as given in the rejection of claim 1 above, and incorporated herein.

(N) Claim 67 differs from claims 1, 14, 27, 40, 49, and 58 in that it is a method for determining health factors rather than, rather than a method, system or program for prioritizing actions in order to balance the comprehensive health of a user or a method, system or program for scheduling tasks in order to balance the comprehensive health of a user.

As per claim 67, Raymond and Trudeau teach a method for determining health factors, said method comprising the steps of:

monitoring current health parameters for a particular user at a personal health monitoring system, wherein said current health parameters includes at least one of a plurality of monitored physical parameters and a plurality of monitored environmental parameters (Raymond; see at least Figures 17, 18, 19, 19A, column 1, lines 42-67, column 2, lines 46-52);

comparing said current health parameters with predetermined suitable levels of physical parameters and environmental parameters (Trudeau; column 5, lines 21-26, column 10, line 50-61);

determining any health affecting factors causing any of said current health parameters to be outside of said predetermined suitable levels for said physical parameters and said environmental parameters, such that health affecting factors are determined for said particular

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user (Trudeau; column 5, lines 4-60, column 6, lines 55-64, column 11, lines 34-63, column 12, lines 7-44).

(O) As per claim 68, Raymond and Trudeau teach a method for determining health factors, said method further comprising the step of:

entering said any health affecting factors into a health profile for said particular user (Trudeau; column 4, lines 53-59, column 7, lines 60-65).

5. Claims 5-7, 18-20, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond et al, U.S. Patent Number 5, 778, 882 and Trudeau et al, U.S. Patent Number 5, 980, 447 as applied to claims 1, 14, and 27 above, and further in view of Goldman et al, U.S. Patent Number 5, 542, 420.

(A) As per claims 5-6, 18-19, 31-32, Raymond and Trudeau teach a method, a system, and a program discussed above, in claims 1, 14, and 27.

Raymond and Trudeau fail to explicitly disclose said step, system, and means of monitoring current health parameters for a particular user at said personal health monitoring system further comprising the step, system, and means of monitoring exercise performed by said particular user, and monitoring bodily health indicators for said particular user.

Goldman teaches the step, system, and means of monitoring exercise performed by said particular user (Goldman; column 9, lines 17-21, column 11, lines 20-35, column 16, lines 1-27),

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and monitoring bodily health indicators for said particular user (Goldman; column 11, lines 15-42, column 12, lines 9-11, column 16, lines 1-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method, system, and program for prioritizing actions in order to balance the comprehensive health of a user of Raymond and Trudeau to include further comprising the step, system, and means of monitoring exercise performed by said particular user, and monitoring bodily health indicators for said particular user, as taught by Goldman, with the motivation of integrating the technological capabilities of current communication and data processing techniques with accumulation and storage of medical and health-related knowledge relating to individuals, of accumulating, storing, analyzing and processing health-related data for individuals (profiles) as a basis for specifying personalized prescriptions which may improve the health and welfare of healthy individuals, as well as persons suffering from various diseases or disorders, and of defining more precise personal needs that take into consideration demographic characteristics, eating habits, personal health, health history, family history, work, physical activity and so on (Goldman; column 2, lines 21-25, column 3, lines 27-31, lines 51-60).

(B) As per claims 7, 20, and 33, Raymond, Trudeau and Goldman teach a method, a system and a program discussed above, in claims 1, 14, 27, said step, system, and means of receiving a plurality of actions for selection by said particular user at said personal health monitoring system further comprising the step, system, and means of receiving a plurality of selectable medication orders at said personal health monitoring system from a physician

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accessible server system (Raymond; column 27, lines 10-15, 37-42, 53-59), (Goldman; Figure 7, column 3, line 62 to column 4, line 34, column 8, lines 63-65, column 17, lines 44-60).

6. Claims 8, 21, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond et al, U.S. Patent Number 5, 778, 882 and Trudeau et al, U.S. Patent Number 5, 980, 447 as applied to claims 1, 14, and 27 above, and further in view of Diaz et al, U.S. Patent Number 5, 890, 128.

(A) As per claims 8, 21, and 34, Raymond and Trudeau teach a method, a system, and a program discussed above, in claims 1, 14, and 27.

Raymond and Trudeau fail to explicitly disclose said step, system, and means of receiving a plurality of actions for selection by said particular user at said personal health monitoring system, further comprising the step, system, and means of receiving a plurality of selectable food menu items at said personal health monitoring system from a restaurant menu server.

Diaz teaches said step, system, and means of receiving a plurality of selectable food menu items at said personal health monitoring system from a restaurant menu server (Diaz; Figure 2, Item 104, column 3, lines 39-67, column 4, lines 39-67, column 15, lines 5-8, column 25, line 56 to column 26, line 20)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method, system, and program for prioritizing actions in order to balance the comprehensive health of a user of Raymond and Trudeau to include said step, system, and

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means of receiving a plurality of actions for selection by said particular user at said personal health monitoring system, further comprising the step, system, and means of receiving a plurality of selectable food menu items at said personal health monitoring system from a restaurant menu server, as taught by Diaz, with the motivation of providing a user with a confidential, convenient, interactive, easy to use, method of accessing real time comprehensive caloric/fat targets and historical data directly tied to the individual's physical characteristics, metabolism, way of life, physical activities, and eating habits. This comprehensive information in turn allows the user to make conscious well informed health changes related to physical activities and dietary routine as often as desired to increase, decrease or maintain body weight. (Diaz; column 5, lines 40-50).

7. Claims 9, 22, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond et al, U.S. Patent Number 5, 778, 882 and Trudeau et al, U.S. Patent Number 5, 980, 447 as applied to claims 1, 14, and 27 above, and further in view of Gulf Goans' Mailing List Newsletter, GOA-WORLD - WEEKEND POST NEWSLETTER - VOLUME XIII - 25 NOVEMBER 1998, <http://www.goa-world.net/gulf_goans/nov31.htm>, hereinafter known as Goans Listserv.

(A) As per claim 9, Raymond and Trudeau teach a method, a system, and a program discussed above, in claims 1, 14, and 27.

Raymond and Trudeau fail to explicitly disclose said step, system, and means of receiving a plurality of actions for selection by said particular user at said personal health monitoring system, further comprising the step, system, and means of receiving a plurality of

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selectable electronic recipes at said personal health monitoring system from an electronic recipe server.

Goans Listserv teaches the step of receiving a plurality of selectable electronic recipes at said personal health monitoring system from an electronic recipe server (Goans Listserv; pages 4-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method, system, and program for prioritizing actions in order to balance the comprehensive health of a user of Raymond and Trudeau to include said step of receiving a plurality of actions for selection by said particular user at said personal health monitoring system, further comprising the step of receiving a plurality of selectable electronic recipes at said personal health monitoring system from an electronic recipe server, as taught by Goans Listserv, with the motivation of integrating the technological capabilities of current communication and data processing techniques, including interaction between the user and the process, and providing a user with a confidential, convenient, interactive, easy to use, method of accessing real time comprehensive food preparation information directly tied to the individual's way of life, and eating goals. This comprehensive information in turn allows the user to make conscious well-informed health changes related to dietary routine.

8. Claims 13, 26, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond et al, U.S. Patent Number 5, 778, 882 and Trudeau et al, U.S. Patent Number 5, 980, 447 as applied to claims 1, 14, and 27 above, and further in view of Notes.Net Filtering Article, 1999, < <http://www->

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10.lotus.com/ldd/today.nsf/62f62847467a8f78052568a80055b380/4541559cb15c46e285256815007b107d/\$FILE/mailrule.pdf>, hereinafter known as Filtering Article.

(A) As per claims 13, 26, and 39, Raymond and Trudeau teach a method, a system, and a program discussed above, in claims 1, 14, and 27.

Raymond and Trudeau fail to explicitly disclose said method, system and program further comprising the step, system, and means of filtering said plurality of actions according to electronic preferences designated by said particular user at said personal health monitoring system.

Filtering Article teaches filtering said plurality of actions and incoming information according to electronic preferences designated by said particular user at said personal health monitoring system (Filtering Article; see entire article, especially page 3, lines 11-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method, system, and program for prioritizing actions in order to balance the comprehensive health of a user of Raymond and Trudeau to include further comprising the step of filtering using filtering rules said plurality of actions according to electronic preferences designated by said particular user at said personal health monitoring system, as taught by Mail Filtering article, with the motivation of reducing the number of, or sorting, or eliminating those actions that are less important or not relevant from the plurality of actions received, and doing so according to user preferences, thus personalizing the plurality of actions received according to such variables as sender, subject, importance, and priority (Filtering Article; see entire article, especially pages 5-6).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Campbell et al, U.S. Patent Number 6, 208, 974 B1 and the article teach the environment of managing the overall health and wellness of users.

Campbell et al, U.S. Patent Number 6, 208, 974 B1, teaches a method and system for managing wellness plans for a medical care practice.

Department of Defense Population Health Improvement Plan and Guide, DoD TRICARE Management Activity. December 2001. [Retrieved on December 8, 2002]. Retrieved from Internet. URL: < http://www.tricare.osd.mil/mhsophsc/DoD_PHI_Plan_Guide.pdf>

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to: **(703) 305-7687.**

For informal or draft communications, please label
"PROPOSED" or "DRAFT" on the front page of the
communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

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Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.


Natalie A. Pass

December 9, 2002


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600